

110TH CONGRESS
1ST SESSION

S. 415

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2007

Mr. BROWNBACK (for himself, Mr. INHOFE, Mr. BURR, Mr. SESSIONS, Mr. DEMINT, Mr. ROBERTS, Mr. GRASSLEY, Mr. CHAMBLISS, Mr. THUNE, Mr. BUNNING, Mr. KYL, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Memorials,
3 Boy Scouts, Public Seals, and Other Public Expressions
4 of Religion Protection Act of 2007”.

5 **SEC. 2. LIMITATIONS ON CERTAIN LAWSUITS AGAINST**
6 **STATE AND LOCAL OFFICIALS.**

7 (a) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—
8 Section 1979 of the Revised Statutes of the United States
9 (42 U.S.C. 1983) is amended—

10 (1) by inserting “(a)” before the first sentence;

11 and

12 (2) by adding at the end the following:

13 “(b) The remedies with respect to a claim under this
14 section are limited to injunctive and declaratory relief
15 where the deprivation consists of a violation of a prohibi-
16 tion in the Constitution against the establishment of reli-
17 gion, including, but not limited to, a violation resulting
18 from—

19 “(1) a veterans’ memorial’s containing religious
20 words or imagery;

21 “(2) a public building’s containing religious
22 words or imagery;

23 “(3) the presence of religious words or imagery
24 in the official seals of the several States and the po-
25 litical subdivisions thereof; or

1 “(4) the chartering of Boy Scout units by com-
 2 ponents of States and political subdivisions, and the
 3 Boy Scouts’ using public buildings of States and po-
 4 litical subdivisions.”.

5 (b) ATTORNEY’S FEES.—Section 722(b) of the Re-
 6 vised Statutes of the United States (42 U.S.C. 1988(b))
 7 is amended by adding at the end the following: “However,
 8 no fees shall be awarded under this subsection with re-
 9 spect to a claim described in subsection (b) of section nine-
 10 teen hundred and seventy nine.”.

11 **SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE**
 12 **UNITED STATES AND FEDERAL OFFICIALS.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
 14 sion of law, a court shall not award reasonable fees and
 15 expenses of attorneys to the prevailing party on a claim
 16 of injury consisting of the violation of a prohibition in the
 17 Constitution against the establishment of religion brought
 18 against the United States or any agency or any official
 19 of the United States acting in his or her official capacity
 20 in any court having jurisdiction over such claim, and the
 21 remedies with respect to such a claim shall be limited to
 22 injunctive and declaratory relief.

23 (b) DEFINITION.—As used in this section, the term
 24 “a claim of injury consisting of the violation of a prohibi-
 25 tion in the Constitution against the establishment of reli-

1 gion” includes, but is not limited to, a claim of injury re-
 2 sulting from—

3 (1) a veterans’ memorial’s containing religious
 4 words or imagery;

5 (2) a Federal building’s containing religious
 6 words or imagery;

7 (3) the presence of religious words or imagery
 8 in the official seal of the United States and in its
 9 currency and official Pledge; or

10 (4) the chartering of Boy Scout units by com-
 11 ponents of the Armed Forces of the United States
 12 and by other public entities, and the Boy Scouts’
 13 using Department of Defense and other public in-
 14 stallations.

15 **SEC. 4. EFFECTIVE DATE.**

16 This Act and the amendments made by this Act take
 17 effect on the date of the enactment of this Act and apply
 18 to any case that—

19 (1) is pending on such date of enactment; or

20 (2) is commenced on or after such date of en-
 21 actment.

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